

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|   |   |                                    |
|---|---|------------------------------------|
| R. CATHY REARDON, <i>on behalf of</i>     | ) |                                    |
| <i>herself and all similarly situated</i> | ) |                                    |
| <i>individuals,</i>                       | ) |                                    |
|   | ) | Civil Action No. 2:08-cv-01730     |
| Plaintiffs,                               | ) |                                    |
|   | ) | Judge Mark R. Hornak               |
| v.  | ) |                                    |
|   | ) | <b><i>Electronically Filed</i></b> |
| CLOSETMAID CORPORATION,                   | ) |                                    |
|   | ) |                                    |
| Defendant.                                | ) |                                    |

**DEFENDANT'S MOTION TO SEVER CLAIMS**

Defendant ClosetMaid Corporation ("ClosetMaid"), by and through its undersigned attorneys, and pursuant to Federal Rule of Civil Procedure 42(b), respectfully moves this Court to sever the claims of the Disclosure Class from the claims of the Pre-Adverse Action Sub-Class and the claims of both classes from Plaintiff Reardon's individual claim such that they will be tried separately and by different juries. The arguments and authorities supporting this motion are set forth in ClosetMaid's contemporaneously filed Memorandum of Law in Support and are incorporated herein by reference.

WHEREFORE, Defendant ClosetMaid Corporation, respectfully requests that this Court grant its Motion to Sever Claims for the points, arguments, and authorities set forth in its contemporaneously filed Memorandum in Support.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.**

**/s/ W. Scott Hardy**

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Counsel for ClosetMaid Corporation

Dated: December 13, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing DEFENDANT'S MOTION TO SEVER CLAIMS was filed electronically on December 13, 2013. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

**/s/ W. Scott Hardy**  
Counsel for Defendant